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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CM(M) 813/2016

NAVED YAR KHAN & ANR Petitioners
Through Petitioner No.1 in person

versus

HAYAT YAR KHAN & ORS Respondents
Through None.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% **23.08.2016**

CM No. 30600/2016 (exemption)

Allowed subject to all just exceptions.

CM(M) 813/2016, CM No. 30598/2016 (stay) & 30599/2016(direction)

1. By the present petition, the petitioners seek to impugn the order dated 26.07.2016 passed by the appellate court. The appeal is filed by the petitioners against the order dated 12.03.2015 dismissing the application under Order VII Rule 11 CPC.
2. On 26.07.2016 some of the respondents were not served. The appellate court directed fresh steps to be taken for service of notice on the unserved respondents.
3. The grievance of the petitioners is that while the appeal is pending, the appellate court would also hear and dispose of the application for interim stay whereby he has sought stay of the further proceedings in the suit.
4. As notice which is to be issued to all the respondents is not served, the

appellate court will take up the application for stay filed by the petitioners only after completion of service.

5. Petitioner No.1 who appears in persons submits that the main contesting party is the plaintiff/respondent No.1 who has appeared before the appellate court on 26.07.2016.

6. In view of the above, granting liberty to the petitioners to move the appellate court for early hearing of the application for stay of the further proceedings, the present petition is disposed of.

JAYANT NATH, J.

AUGUST 23, 2016/v